

THE DEPUTY SECRETARY OF STATE

WASHINGTON

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Dear Mr. Crosland:

The recent Soviet invasion of Afghanistan and the resulting uncertainty regarding the plight of Afghan nationals, especially those in the United States who might be forced to return to that country, have caused me to write to you.

The continuing insecurity and turmoil in Afghanistan has already resulted in the exodus of over 750,000 refugees to Pakistan and Iran. Over 80,000 Soviet troops are now occupying Afghanistan, but fierce anti-Soviet resistance has brought a further deterioration in the security situation. A widespread insurgency continues in almost all areas of Afghan countryside, while in the major cities urban resistance and civil disobedience are prevalent.

We cannot say how long the situation described above is likely to continue, but we think that conditions approaching anarchy are likely to prevail for the foreseeable future. In addition, available evidence indicates that the widespread violations of human rights--including arbitrary arrest, summary executions, and torture--which have characterized the Afghan regimes following the April 1978 revolution are continuing under the current regime. All opposition is ruthlessly being eliminated and the Soviets are undertaking aggressive operations in an attempt to gain complete control of the countryside.

In such circumstances, we believe no Afghans currently in the United States should be forced to return to Afghanistan. Of course this would not apply to those who have engaged in serious criminal activities. This recommendation does not mean that all Afghans can be classified as refugees. Each case must still be carefully evaluated on its individual

The Honorable

David W. Crosland,

Acting Commissioner,

Immigration and Naturalization Service,
Department of Justice.

DEPARTMENT OF STATE A/CDC/MR

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merits. Those who can establish to the satisfaction of the appropriate INS District Director that their fear of persecution is well-founded should be accorded asylum status. Those whose resistance to return is based on general conditions in Afghanistan would not merit asylum status but such a request could support a grant of voluntary departure.

Unless individual consideration is given to each request, it is possible that bona fide refugees could be deprived of all the benefits of refugee status to which they are legally entitled. On the other hand, the already heavy workload of immigration courts, voluntary agencies, and our own review of asylum cases should not be magnified. We suggest, therefore, that those who apply for asylum should have their requests reviewed on the merits, but that you implement a general procedure for according voluntary departure status for at least twelve months and for granting work authorizations to Afghan nationals who deliberately choose not to make formal application for asylum.

Your assistance in establishing an equitable procedure for Afghan nationals such as the one I have suggested would be greatly appreciated.

Sincerely,

Warren Christopher